

REMARKS

The Official Action of July 21, 2006, and the prior art cited and relied upon therein have been carefully studied. The claims in the application are now claims 1-8, 63, and 66-72, and these claims define patentable subject matter warranting their allowance. Favorable reconsideration and such allowance are respectfully urged.

Claims 9-10 and 36-37 have been cancelled. Claims 11-35, 38-62, 64 and 65 have been withdrawn.. New claims 66-72 have been added. Claims 1-8, 63, and 66-72 remain in the application for consideration.

In response to the Examiner's 35 U.S.C. §112, second paragraph rejection of claims 1-8 and 63, Applicant has amended the claims to eliminate the terminology identified by the Examiner directed to the relative tearability of the claimed film. Applicant respectfully submits that this rejection has now been overcome.

The Examiner has further rejected claims 1 and 6-8 under 35 U.S.C. §102(b) as being anticipated by Littmann '337, claims 1 and 7-8 under 35 U.S.C. §102(b) as being anticipated by Kai '279, and claims 2-5 and 63 under 35 U.S.C. §103(a) as being unpatentable over Littman in view of Kai. Applicant respectfully traverses all of these rejections as applied to the claims as amended and new claims 66-72.

The claimed invention is directed to a tearable thermoplastic resin film which has a plurality of substantially parallel spaced apart linear scratches formed on one side surface of the film. The scratches extend the entire length of the film and are evenly spaced apart from each other over the entire width of the film so as to facilitate tearing the film in a straight line the full length of the film at select points over the entire width of the film.

In comparison, Littman discloses an easy open, tear control pouch comprising polymeric barrier material film structure sealed together such that the pouch has a front face and a rear face wherein an outer or an inner surface of the film structure at an isolated area which is to be at least a full width of at least one seal, front face and/or rear face, when the film structure is sealed together to form the pouch, is roughened, the pouch having an easy-to-tear opening feature edge at the localized area(s) of the sealed margin of the pouch corresponding to the roughened surfaces (i.e. tear initiation and tear control) (see Col. 3, line 66 to Col. 4, line 6, and Col. 6, lines 4-7 of Littman).

Specifically, Littman teaches a sealed pouch 100 having seals 140A about the perimeter and roughened area 120 disposed on either the inner or the outer surface of either or both the front and rear faces of pouch 100, in which the

roughened area 120 extends not only the full width of at least one seal, and can be, for example, one-third of the way down from the top seal of the pouch, or further if desired, whereby one may position roughened area 120 where the top of the product within the pouch will sit, e.g., in the middle of the pouch, the length of the registered area (roughened area 120) can be if any desired length and it is preferred that it is sufficient for initiating a good tear, and it is preferred that roughened area 120 be parallel to the top seal of the pouch as this provides a good straight tear, where arrows 20B show the direction to tear open pouch 100 at roughened area 120 (see Col. 8, line 54 to Col. 9, line 5, and Fig. 13 of Littmann) ..

Kai discloses a plastic film product, such as a sealed bag, wound film or adhesive tape, has a plurality of random scratches or cuts having notches toward the other side of the film, formed along the edges thereof so as to be shallow and small enough to be invisible to the naked eye in order to reduce resistance to tearing perpendicular to the edges (see Abstract of Kai).

Kai teaches a three-sided sealed dispensing bag with lateral fusions 4 attached portions and a longitudinal fusion 5 attached portion as shown in Fig. 2, where a plurality of scratches 3 are formed on the longitudinal edge portion of the

sealed dispensing bag, whereby the bag can easily be torn from an optional position of the longitudinal edge portion (see Col. 4, lines 33-46, and Fig. 2 of Kai).

Specifically, Kai shows a sheet with a plurality of scratches 3 parallel to the film feeding direction formed on the film along a line intersecting the film and longitudinal scratches formed on the edge portions of a film, whereby in a case where scratches are formed on the front and rear surfaces of a film which will become the edge portions of a bag, there can be obtained a dispensing bag which is much easier to tear off (see Col. 5, lines 13-15 and lines 21-29, and Fig. 4, #3 of Kai).

Clearly, neither Littmann or Kai teach a plurality of substantially parallel spaced apart linear scratches located on one side surface of a film especially as located in the specific manner claimed by Applicant to enable tearing the film in a straight line over the full length of the film at selected points over the entire width of the film. To the extent that Littman or Kai teach parallel spaced apart linear scratches at all (not admitted), they are not located in the manner claimed to permit tearing the film in a straight line over the full length of the film at selected points over the entire width of the film. Accordingly, Applicant respectfully submits that the claimed invention patentably defines over

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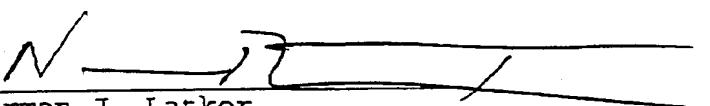
both Littmann and/or Kai, as neither teaches a plurality of substantially parallel spaced apart linear scratches located on one side surface of a film, such scratches specifically located as claimed over the entire length and width of the film.

The prior art documents made of record and not relied upon have been noted along with the implication that such documents are deemed by the PTO to be insufficiently pertinent to warrant their applications against any of applicant's claims.

Favorable reconsideration and allowance are earnestly solicited.

Respectfully submitted,

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